

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

WILLIAM CISNEROS,

Plaintiff,

v.

BRAD CAIN, Superintendent, Snake River
Correctional Institution, **Yard Officer Pitman**,
and **Yard Officer Johnson**,

Defendant.

Case No. 2:19-cv-00845-SB

OPINION AND ORDER

IMMERGUT, District Judge.

Plaintiff William Cisneros, an individual in the custody of the Oregon State Correctional Institution proceeding *pro se*, brings this action against Brad Cain, Superintendent of Snake River Correctional Institution, Yard Officer Pitman, and Yard Officer Johnson (collectively “Defendants”) alleging violations of his constitutional rights under the eighth amendment. ECF 2. Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) on March 2, 2020, in which she recommends that Defendants’ motion for summary judgment be granted. ECF 25 at 4. No objections have been filed.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

[28 U.S.C. § 636\(b\)\(1\)](#). If a party files objections to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Indeed, the Advisory Committee Notes to [Fed. R. Civ. P. 72\(b\)](#) recommend that “[w]hen no timely objection is filed,” the Court review the magistrate judge’s recommendations for “clear error on the face of the record.” Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether *de novo* or under another standard. *Thomas*, 474 U.S. at 154.

Because no objections have been filed, this Court reviews Magistrate Judge Beckerman’s F&R for clear error on the face of the record. Finding no apparent error, this Court adopts Magistrate Judge Beckerman’s F&R in its entirety. ECF 25. Defendants’ Motion for Summary Judgment is GRANTED. ECF 17. This case is dismissed.

IT IS SO ORDERED.

DATED this 26th day of March, 2020.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge